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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,858	05/22/2001	Robert B. Chaffee	C0852-7013US	8373

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EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

NOTIFICATION DATE	DELIVERY MODE
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04/07/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/862,858	Applicant(s) CHAFFEE, ROBERT B.	
	Examiner FREDRICK C. CONLEY	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15,18-34,55,62-73 and 75-92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,18-34,55,62-73 and 75-92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/30/09 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 9-15, 18-20, 22, 24-27, 30, 32-34, 55, 62-64, 66, 68-73, 75-76, 79-80, 85-86, and 89-92 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,850,996 to Liang.

In reference to claims 1, 13, 62, 79, 86, and 89-92, Liang discloses a fastener having a base 1 and including an openings (15,181); a housing defined by a receiving chamber (13) connected to the base adapted to retain a fastening element defined by a hanging rod 42 when the fastening element is inserted in the housing and a latch defined by movable plate 42 flexibly connected to a region of the base located on an open side of the housing such that the latch can be moved relative to the housing (col. 1 lines 59-60) and positioned relative to the housing to retain the fastening element by

Art Unit: 3673

interference with a lateral surface of the fastening element, the latch including a surface defined by push rods 3 that is proximate the opening (181) in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch is configured such that the fastening element can only be removed from the housing when a force applied to the surface proximate the opening to flex the flexible portion (col. 2 lines 35-52) wherein the latch is constructed to locate the portion of the latch between the region of the base to which the latch is flexibly connected and a location of the fastening element when the fastening element is retained in the housing (fig. 1), and wherein a location of the fastening element is centered about an axis perpendicular to the fastener when the fastening element is retained in the housing, and wherein a distance between the portion of the latch and the axis increases as the fastening element moves out of the housing when the force is applied to the surface proximate the opening to depress the latch.

Regarding claims 2, 19, and 63, Liang discloses the fastener of claims 1 and 62 as discussed above, and discloses a flange defined by a clamping plate 2 and wherein the housing and the latch are both connected to the flange (fig. 2 & 4).

Regarding claims 3, 20, 64, and 80, Liang discloses the fastener as discussed above, wherein the flange is configured so that it can be connected to a sheet of material defined by a belt.

Regarding claims 5, 22, 30, and 66, Liang discloses the fastener of claims 1 and 62 as discussed above, wherein the housing comprises a side wall and a retaining lip defined by a curved connecting rib 12 (fig. 1).

Art Unit: 3673

Regarding claims 7, 24, 32, and 68, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the side wall comprising a semi-circular section (fig. 1).

Regarding claims 9, 26, and 69, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch is flexible (col. 2 lines 35-52).

Regarding claims 10, 27, and 70, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the latch having a flange defined by the clamping plate 2 that is generally parallel to a base of the housing and projecting towards the interior of the housing (fig. 2).

Regarding claims 11, 33, and 71, Liang discloses the fastener of claims 1 and 22 as discussed above, and further discloses the latch further comprises an arched rib 16 having a contour corresponding to the shape of the fastening element (fig. 2).

Regarding claims 12 and 72, Liang discloses the fastener of claims 1 and 62 as discussed above, and further discloses the fastener is integrally formed in a sheet of plastic material (col. 1 lines 52-53).

Regarding claims 14-15 and 25, wherein the housing and the fastening element are flexible.

Art Unit: 3673

Regarding claim 18, Liang discloses a fastener that can be attached to a first surface defined by a belt, comprising:

a base 1;

a housing connected to the base and including an opening 15 the housing being sized and adapted to retain a fastening element; and

a latch 14 flexibly connected to a region of the base located on an open side of the housing such that the latch can be moved relative to the housing and positioned relative to the housing (fig. 9-10) so that the latch in combination with the housing retains the fastening element, the latch including a surface 3 that is proximate the opening in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch configured such that the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch (col. 2 lines 35-52).

Regarding claims 34 and 85, Liang discloses the fastener of claim 13 as discussed above, and further discloses the latch is positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element.

Regarding claim 55, Liang discloses the fastener of claim 13 as discussed above, and further discloses the fastener is attached to a belt and the latch is depressible in the direction of the object.

Art Unit: 3673

Regarding claims 73 and 75-76, Liang discloses the fastener of claim 62 as discussed above, and further discloses that the latch is accessible such that an external force can be applied by an operator's finger to depress the latch (col. 2 lines 35-52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 23, 31, 67, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang in view of U.S. Pat. No. 5,507,610 to Benedetti et al.

Regarding claims 6, 23, 31, 67, 82, Liang discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the retaining lip defining a downwardly extending notch to accommodate a fastening element attachment mechanism. Benedetti discloses a fastening assembly with a housing 12 having a retaining lip defining a downwardly extending notch 14. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ the retaining lip and extending notch as taught by Benedetti in order to prevent the fastener from being exposed (col. 4 lines 9-11).

Art Unit: 3673

Claims 4, 21, 28-29, 65, 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang.

Regarding claims 4, 21, 28-29, 65, and 81 Liang discloses the fastener of claims 1 and 62 as discussed above, but fails to disclose the flange being made of thermoplastic and heat sealed to the sheet of material. The use of thermoplastic fabric materials and the methods employed to seal components together are well known and it would have been obvious for one having ordinary skill in the art at the time of the invention to merely select a thermoplastic material and heat seal the flange to another plastic member in order to ensure fastening assembly is secured.

Claims 77-78, 83-84, and 87-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,850,996 to Liang in view of U.S. Pat. No. 4,681,552 to Courtney.

Regarding claims 77-78, 83-84, and 87-88, Liang discloses the fastener of claim 13 as discussed above, but fails to disclose an inflatable bladder. Courtney discloses a fastener attached to a backpack 24 having an inflatable bladder 36. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ an inflatable bladder as taught by Courtney in order to provide buoyancy compensation and provide a life vest.

Response to Arguments

Applicant's arguments filed 1/30/09 have been fully considered but they are not persuasive.

With regard to the Applicant's arguments Liang discloses the fastening element can only be removed from the housing when a force is applied to the surface proximate the opening to flex the latch. As stated above, Liang discloses openings (15,181); a fastening element defined by a hanging rod 42 and a latch defined by a movable plate 42 flexibly connected to a region of a base located on an open side of the housing such that the latch can be moved relative to the housing (col. 1 lines 59-60) and positioned relative to the housing to retain the fastening element by interference with a lateral surface of the fastening element, the latch including a surface defined by push rods 3 that is proximate the opening (181) in the housing, wherein the surface is externally accessible with the fastening element retained in the housing, the latch is configured such that the fastening element can only be removed from the housing when a force applied to the surface proximate the opening to flex the flexible portion (col. 2 lines 35-52). Liang clearly states that by pushing the surface defined by the rods proximate the opening 181 in the housing the hanging rod is pushed upwards causing the hanging rod to disengage. Therefore, the latch is configured such that the fastening element 42 can only be removed from the housing when a force such as the pushing applied to the rods 3 proximate the opening 181 to flex the movable plate/latch downwards. Furthermore, the Applicant also argues that the plate can be released by sliding any one of the rods and therefore again meets the Applicant's broad limitation of the fastening element can

Art Unit: 3673

only be removed from the housing when a force is applied to the surface proximate to the opening to depress the latch and does not preclude the Examiner from making the interpretation as stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is (571)272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PETER CUOMO can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FREDRICK C CONLEY/
Primary Examiner, Art Unit 3673